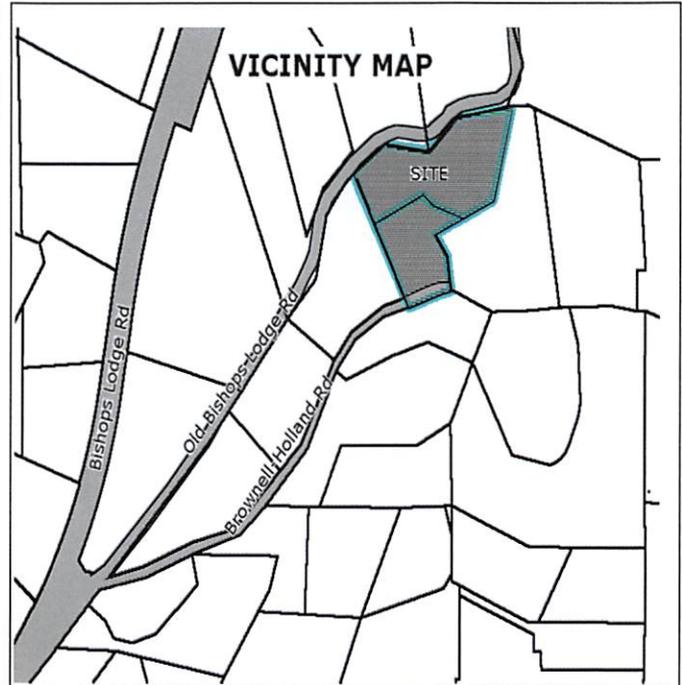




# Land Use Department Planning Commission Staff Report

Case No: 2016-109  
 Hearing Date: November 3, 2016  
 Applicant: Jenkins Gavin Inc., Agent for B & L Land, LLC  
 Request: Preliminary Subdivision Plat  
 Location: 145 Brownell Holland Drive  
 Case Mgr.: Dan Esquibel  
 Zoning: R-1  
 Overlay: Escarpment, Mountainous and Difficult Terrain, and Suburban Archaeological Review District  
 Pre-app. Mtg.: August 4, 2016  
 ENN Mtg.: September 7, 2016  
 Proposal: Preliminary Plat and Variance.



## **Case #2016-109. B & L Preliminary Plat and Variance.**

Jenkins Gavin, Inc., agent for B & L Land, LLC, requests Preliminary Plat approval to divide a 3.89-acre parcel into two lots of 1.34 and 2.55 acres. The request includes a variance to permit an additional lot to be served by a private road that does not meet the requirements of Table 14-9.2-1 Design Criteria for Street Types. The property is located at 145 Brownell Holland Drive, and is zoned R-1 (Residential one dwelling unit per acre). (Dan Esquibel, Case Manager)

### **I. RECOMMENDATION**

The Land Use Department recommends **APPROVAL** of the preliminary subdivision plat, subject to the recommended conditions of approval and technical corrections identified in Exhibit A.

Separate motions are required for the variance and for the preliminary plat.

Approval by the Commission of a final subdivision plat will also be required for this project.

#	Condition of Approval – Preliminary Plat	Dept/Division	To be completed by:

1	An easement shall be created through lot 3A to accommodate the private water line for lot 4 to connect to city water.	Dee Beingessner Water Division 10/11/16	Prior to lot split (Final Plat)
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**II. EXECUTIVE SUMMARY**

The Applicants are requesting preliminary subdivision plat approval for 2 lots on +/- 3.85 acres. The subject property is located at 145 Brownell-Holland Road and is zoned R-1. The property is also located within the Mountainous and Difficult Terrain, Suburban Archaeological Review District and the Escarpment Overlay Districts. Archaeological review is not triggered by this proposal. The provisions of the overlay districts do not directly affect this application.

The proposed 2-lot subdivision is part of a “serial subdivision” as defined in Subsection 14-3.7(A)(4) and as further described in section III.A of this staff report.

The plat proposes a lot access driveway off Brownell-Holland Road to serve the proposed parcels. Brownell-Howland Road is a private road that serves more than 30 lots. The road fails to meet current standards for road width or road connectivity, so a variance is required in order to permit an additional lot and principal dwelling unit (Staff report section III.B, page 6).

The proposed subdivision would require limited extensions of utilities into the subdivision. Only city water is available within 200 feet of the property, sewer will require a New Mexico State Environmental Department (NMED) approved septic and leach field system or alternative system for liquid waste disposal. Dry utilities will be extended from Brownell-Holland Road to the lots.

The applicant has complied with all application process requirements. The applicant conducted a pre-application meeting on August 4, 2016, ENN on September 7, 2016 and notice requirements pursuant to Section 14-3.1(H).

Staff’s analysis identifies that the application has satisfied the criteria for a preliminary plat, and the conditions for preliminary plat approval are generally technical in nature and can be addressed at final subdivision plat review. Additionally, the applicant has addressed the variance criteria providing qualifying factors to the criteria specific to 14-3.16(C).

**III. EVALUATION**

**A. “Serial Subdivision” Procedure**

This subdivision is appearing before the Planning Commission as a “serial subdivision:”

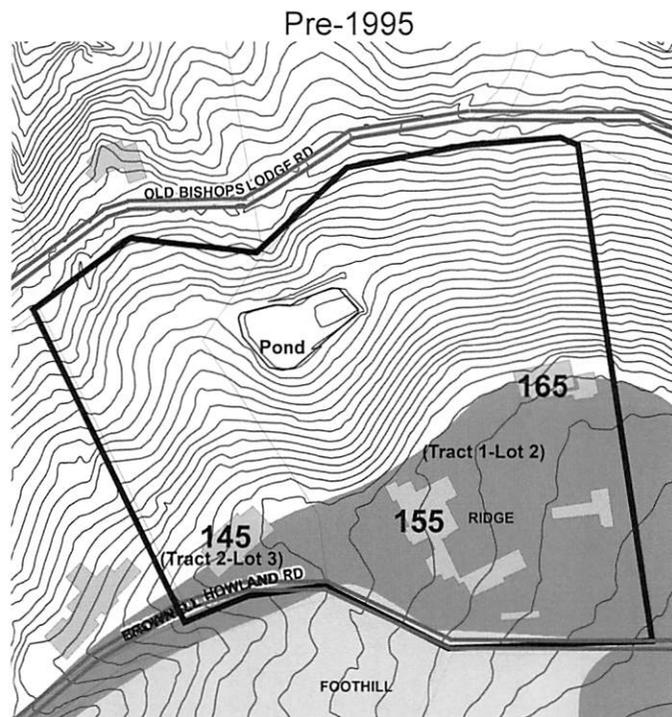
*14-3.7(A)(4) Serial Subdivisions*

*A proposed subdivision that occurs within five years after the approval of an earlier subdivision of any part of the affected land shall be subject to the same standards and shall follow the same procedures as though the cumulative number of lots created by the successive plats were created by the currently proposed subdivision.*

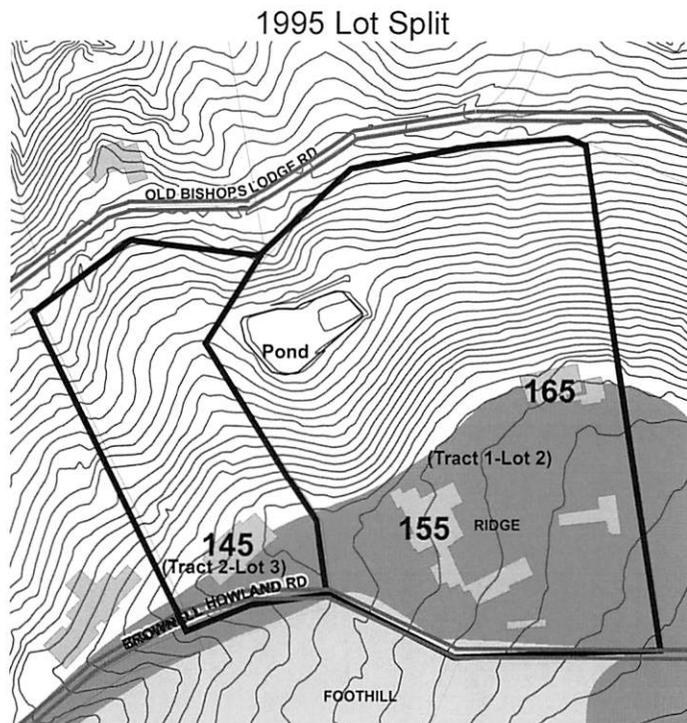
The serial subdivision provision is intended to prevent the use of sequential lot splits as a means of avoiding the procedural steps or the infrastructure requirements that would apply if the regular subdivision process were followed for the developer's entire tract of land. It also facilitates coordinated planning for the orderly development of infrastructure that serves multiple tracts.

The serial subdivision analysis for this property involves five distinct steps:

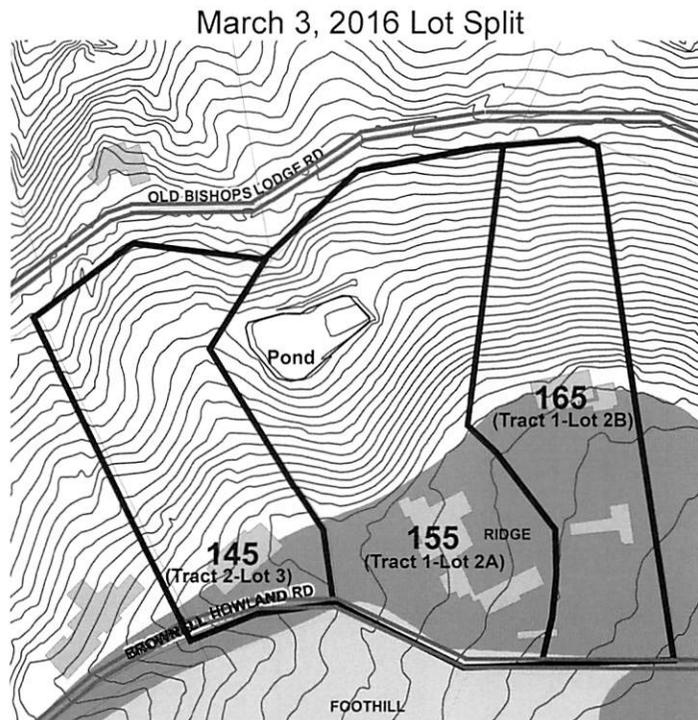
1. Prior to 1995, there was a 7.5-acre tract of land on the north side of Brownell-Howland Road that was developed with three dwelling units and several accessory structures, as well as a 5,500 square-foot pond.



2. In 1995, a two-acre lot was split off from the west side of the original tract to accommodate the house at 145 Brownell-Howland Road.

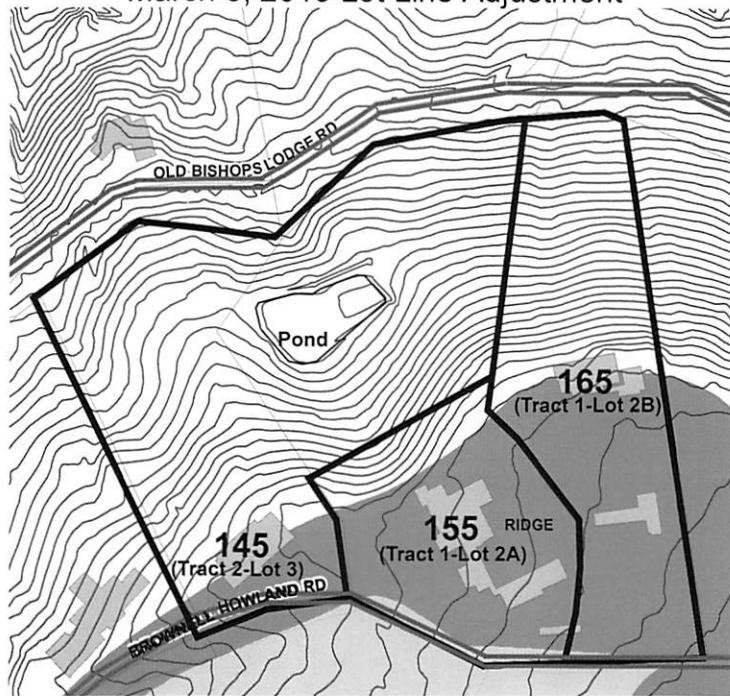


3. On March 3, 2016 the Summary Committee approved a lot split that created separate lots for the houses at 155 and 165 Brownell-Howland Road. That was not a serial subdivision, because more than five years had elapsed since the previous lot split. At that point, each of the pre-existing houses was located on its own lot of record, and the pond was on the middle lot, behind the house at 155 Brownell-Howland Road.



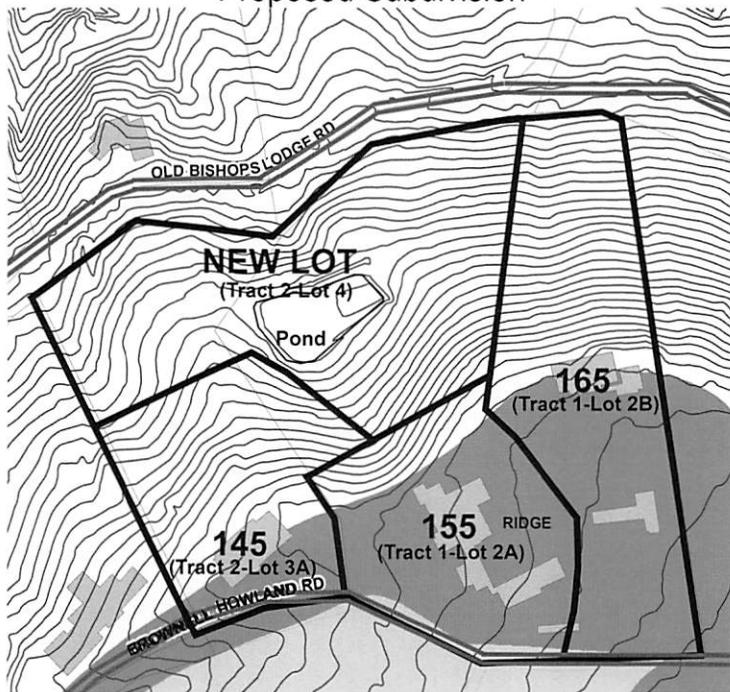
4. On July 29, 2016, City staff administratively approved a lot line adjustment that transferred ownership of about 1.9 acres of land from 155 Brownell-Howland to 145, resulting in a 1.567-acre lot at 155 and a 3.895-acre lot at 145. The transferred land includes the pond. The lot line adjustment was not a serial subdivision because it did not increase the number of lots

March 3, 2016 Lot Line Adjustment



PROPOSED SUBDIVISION

5. The current proposal would create a new lot from the 3.985-acre lot at 145 Brownell-Howland. This application is a serial subdivision because it involves land that has been subdivided within the previous five years, as part of the March, 2016 lot split. Because it is a serial subdivision, it is required to go through the preliminary and final subdivision plat procedures.



The lot split and lot line adjustment did not significantly affect the legal nonconforming status of the lots at 155 and 165 Brownell-Holland Road. Houses on those lots are located within the Escarpment Ridgetop overlay district, and the Commission recently approved variance requests on those lots [Cases #2016-95 and 2016-97, October 6, 2016 PC meeting]. In addition, the land transferred to 145 is effectively inaccessible from 155, due to an extremely steep slope over 50 feet in height, and most of the transferred land is undevelopable due to slopes in excess of 30 percent slope.

Despite the procedural complications, staff's analysis indicates that the current subdivision, along with the recent lot split and lot line adjustment, do not result in any significant code compliance issues. The balance of this analysis will concentrate primarily on Tract 2-Lot 4 and Tract 2-Lot 3A .

### **B. Proposed Lots and Surrounding Uses**

The proposed new lots (Tract 2-Lot 4 and Tract 2-Lot 3A) both exceed 1 acre in size each at 2.55± and 1.34± acres respectively. Both proposed lots contain development. Tract 2-Lot 3A will contain the existing residence at 145 Brownell-Howland Road, and Tract 2-Lot 4 will contain the man-made pond and deck. Tract 2-Lot 4 would provide a buildable site for a new principal dwelling unit, and either lot may accommodate an accessory dwelling unit. Access to both lots would be via a shared "lot access driveway" 20 feet in width.

The property and adjoining properties are zoned R-1 (residential, one dwelling unit per acre). Overlay Districts include the Mountainous And Difficult Terrain, Escarpment Overlay and Suburban Archaeological Review Districts.

### **C. Utilities**

Dry utilities (electric, gas etc.) will connect to existing utility services located in Brownell Howland Road. For wet utilities, both Tracts will connect to city water. Since there is no city sewer in this section of the city, liquid waste disposal requires septic and leach field systems approved by the New Mexico State Environmental Department (NMED).

The City Water Division has reviewed the application and requires that an easement be created through Tract 2-Lot 3A for the private water line for Tract 2-Lot 4 to connect to city water (reference Exhibit A1).

### **D. Fire**

There are two fire hydrants on Brownell Holland Road located within the first +/- 400 feet of the road off Bishops Lodge Road. The Fire Marshal has reviewed the proposal and submitted technical correction conditions that are required to be implemented prior to any remodel or construction.

The minimum road standards for emergency access are covered in Chapter 12 Fire Prevention and

Protection. Comments from the Fire Marshal indicate that provision of a turnaround for fire trucks and fire sprinkler systems may be required to meet those standards, depending on driveway slopes and distance of any new structures from fire hydrants. Fire Marshal conditions can be found in Exhibit A3.

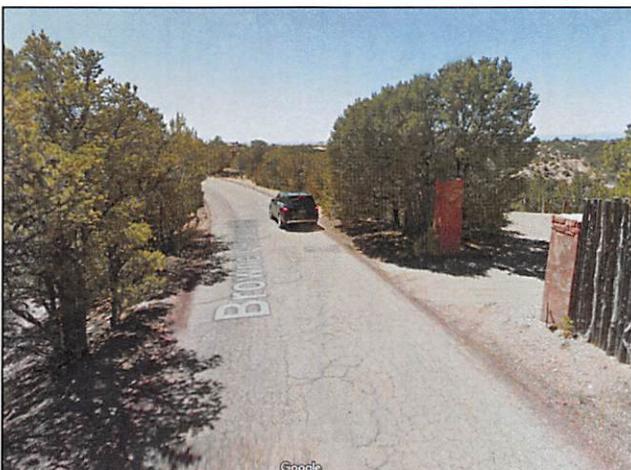
### E. Roads and Traffic

The property is situated between two roads: Old Bishops Lodge Road to the north and Brownell Howland Road the south. Old Bishops Lodge Road is a private road and the owners of Old Bishops Lodge Road have not granted access rights to the applicant. The applicant will utilize existing access for both Tracts extending off of Brownell Howland Road. A new driveway meeting city standards will be constructed extending from Tract 2-Lot 3A to serve Tract 2-Lot 4.

Brownell Holland Road is a 20-foot wide paved private road easement providing access to 39 lots. The number of lots that it serves categorizes the road as a “subcollector” road pursuant to Table 14-9.2-1: *“Design Criteria for Street Types”* (Exhibit C1). A subcollector road requires a right-of-way width of 42 feet with two 9 foot wide driving lanes and 5 foot wide sidewalks. The applicants are requesting a variance from sub-collector road standards to allow the additional lot and future dwelling unit to be developed without bringing the existing road up to current standards.

The road standards in Chapter 14 are intended to “safely meet the transportation needs of all users, including pedestrians of all ability levels, bicyclists, motorists and transit users.” Minimum standards for street connectivity are provided in Subsection 14-9.2(D) (Exhibit C2). Although Brownell-Holland Road does not meet the standards for spacing of through streets or for interconnection with the existing street network, some consideration should be made for the fact that the street pre-dates the regulations, and the existing topography could be considered to make provision of through streets infeasible.

Road View 1



Road View 2



During the ENN many of the neighbors were concerned with the condition of Brownell-Howland Road, specifically an area of the road close to Bishops Lodge Road. The concerns were that some areas of the banks along the road were eroding creating a dangerous condition. The Traffic Division inspected the road with the Applicant's agent, and will be available to address questions on that issue.

City Traffic Division comments can be found in (Exhibit A4).

**F. Terrain Management and Escarpment**

The permissible density on the site is reduced to .75 dwelling unit per acre, because the property is located within the mapped area of the Mountainous and Difficult Terrain (Subsection 14-7.2(B)(5), and more than 25% of the property contains slopes of 20% and greater. The proposed lot split complies with the density reduction.

Approximately .37± acres at the front of Tract 2-Lot 3A lies within the Escarpment Overlay Ridgetop District, and part of the existing house is located in that area. No portion of the Escarpment Overlay District is located on the proposed new lot (Tract 2-Lot 4).

New lots are required to provide a buildable site suitable for a building with a footprint of not less than 2,000 square feet. The buildable site must comply with all applicable standards for access, grading, drainage, escarpment regulations, setbacks, lot coverage, etc. The proposed new lot would meet the buildable site requirement.

**G. Affordable Housing**

The Santa Fe Homes Program is not triggered by this application since only one buildable lot is created.

**IV. VARIANCE APPROVAL CRITERIA**

<p><b>Criterion 1(a): unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Yes</b></p>
<p>The application identifies unusual physical characteristics of terrain which prevents widening of the road to sub-collector road standards per Table 14-9.2-1. Staff agrees with the Applicant's analysis. Many areas of Brownell-Holland Road contain terrain constraints along with limited easement width preventing widening of the road. In addition, the existing lot is legally nonconforming with regard to access standards.</p>	
<p><b>Criterion 2: The special circumstances make it infeasible, for reasons</b></p>	<p><b>Criterion Met:</b></p>

<b>other than financial cost, to develop the property in compliance with the standards of Chapter 14.</b>	(Yes/No/conditional/N/A) <b>Yes</b>
The Applicants' explanation refers to the circumstances referenced in Criterion 1(a) above. Staff agrees with the applicant's analysis.	
<b>Criterion 3: The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Yes</b>
Densities are measured by dwelling units per acre. The number of units per acre proposed by the applicant would be consistent with the maximum allowed by the underlying and overlay zoning regulations. The underlying zoning allows one dwelling unit per acre, with reduction specific to the Mountainous and Difficult Terrain to .75 unit per acre. Density calculations result in a density factor of 2.9 units for the 3.85+ project site (Tract 2-Lot 3). That allows either two principal dwelling units on the project site, or the creation of two lots with one dwelling unit each. The intensity of development for the area is increased by the proposed additional dwelling but will not exceed that which is allowed on other properties in the vicinity.	
<b>The Criterion 4: The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Yes</b>
<b>(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;</b>	
The 3.8-acre property is currently developed with a house, a residential use at a density of approximately one-quarter unit per acre. The proposed density would be approximately one-half unit per acre, still somewhat less than the .75 unit per acre density that is the maximum allowed by the R-1 and Mountainous and Difficult Terrain regulations.	
<b>(b consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</b>	<b>Conditional</b>
<i>"Variances may be granted to provisions regulating the size, location and appearance of structures; the location and extent of open space; the extent of grading; the width and configuration of public and private roads, driveways and trails; and to similar standards for development established by this chapter."</i> Should the Planning commission agree that the variance criterion has been met, a variance may be granted for the width and configuration of public and private roads.	
<b>Criterion 5: The variance is not contrary to the public interest.</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Yes</b>
Creation of one additional lot and principal dwelling unit would not cause a significant adverse effect on the public interest.	

**V. PRELIMINARY SUBDIVISION PLAT APPROVAL CRITERIA**

Section 14-3.7 governs the authority, procedures and restrictions for the division of land.

**Approval Criteria – Preliminary Subdivision Plat (Section 14-3.7(C))**

<p><b>Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The application has been reviewed by the City of Santa Fe’s Development Review Team (DRT) with due regard for vegetation, water courses, historical sites, structures and similar community assets in the area. The subdivision will comply with applicable standards for those factors, subject to compliance with the technical corrections to the application and conditions of approval.</p>	
<p><b>Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The proposed lots are located within the Mountainous and Difficult Terrain Overlay District and approximately .37 acres lies within the Escarpment Overlay District (Ridgetop). The applicants’ proposed subdivision design has been reviewed by the DRT in accordance with Chapter 14 for Terrain Management and Escarpment regulations. Subject to compliance with conditions of approval and technical corrections, the proposed subdivision would not endanger health, safety or welfare.</p>	
<p><b>Criterion 3: All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The proposed subdivision will connect to City water located within Brownell-Holland Road. A service line will connect the water main within Brownell-Holland Road to the new lot. An approved NMED septic and leach field system or alternative system for liquid waste disposal will be required at the time of building permit for any new structure requiring liquid waste disposal. Although the existing road does not meet applicable standards, that issue is addressed by the variance request.</p>	
<p><b>Criterion 4: A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A)</p>

<b>provisions of Chapter 14 unless a variance is approved concurrently with the plat.</b>	<b>Conditional</b>
The applicants are requesting a variance from Table 14-9.2-1 sub-collector road standards. If approved, no nonconformities are created under current city regulations.	
<b>Criterion 5: A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.</b>	<b>Criterion Met: (Yes/No/conditional/N/A) Conditional</b>
See response to Criterion 4. As noted in Section III.D of this report, a variance to emergency access road requirements of the Fire Code may be required.	

## VI. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification (ENN) meeting was held on September 7, 2016. There were nine interested parties in attendance. The concerns raised were:

- Erosion along Brownell Holland Road,
- The existing pond water use, and
- Use of Old Bishops Lodge Road.

The neighbors have submitted correspondence requesting that the following conditions be included as part of the Planning Commission approval (Exhibit B3):

1. *That the action resolution state that no access for Tract 2, Lot 4 nor for tract 2, Lot 3A shall be from the unpaved drive shown on the applicants' site plan as "Old Bishops Lodge Road". This is a commitment of the Egolfs statement at the ENN meeting that a new driveway will be created along the western edge of Lot 3A to serve lot 4.*
2. *That the recently graded attempt to create a service drive to the pond be closed and permanently abandoned, the grade returned to natural vegetation, and erosion stopped by mitigation measures. At the ENN meeting, it was requested that the Egolfs instruct their civil engineer and surveyor to do this, consistent with the purpose of ENN review early, prior to development of site plan.*

## VII. EXHIBITS:

EXHIBIT A: Technical Conditions and DRT Comments and Conditions

1. Water Division, Dee Beingessner

2. Wastewater Division, Stan Holland
3. Fire Department, Reynaldo Gonzales
4. Traffic Engineering, Sandy Kassens
5. City Engineer, RB Zaxus
6. LUD/Technical Review Division, Somie Ahmed

EXHIBIT B: Early neighborhood Notification

1. Guidelines
2. Meeting Notes
3. Neighborhood Correspondence

EXHIBIT C: Code Sections, Maps and Photos

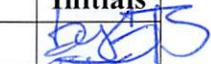
1. Table 14-9.2-1
2. Subsection 14-9.2(D)
3. Zoning Map
4. Escarpment Map

EXHIBIT D: Applicant Submittals\*

1. Preliminary Development Plan and Subdivision Report
2. Preliminary Development Plan and Plat Drawings

\* Maps and other exhibits reproduced and archived separately from this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, West Wing.

APPROVED AS TO FORM:

Title	Name	Initials
Land Use Department Director	Lisa D. Martinez	
Land Use Current Planning Division Director	Greg Smith, AICP	
Land Use Current Planning Division Planner Senior	Dan Esquibel	

May 5, 2016  
Planning Commission  
Case # 2016-109  
**B & L Land Lot Split and Variance**

# **EXHIBIT A**

Technical Conditions and DRT Comments and Conditions

## Development Review Team

### Comment Form

Date: 10/11/16  
 Staff person: Dee Beingessner  
 Dept/Div: Public Utilities/Water Division  
 Case: 2016-109 B & L Land Lot Split and Variance  
 Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1 Water is available for the new lot from a main on Brownell Howland. An easement must be created through lot 3A for the private water line for lot 4 to connect to city water.	Prior to lot split
2	
3	
4	
Technical Corrections*:	Must be completed by:
1	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]
- Explanation of Conditions or Corrections (if needed):

Development Review Team  
Wastewater Management Division

E-Mail Delivery  
Comment Form



Date: October 7, 2016  
Staff person: Stan Holland, Engineer  
Dept/Div: Public Utilities/Wastewater  
Case #2016-109. B & L Land Lot Split and Variance  
Case Mgr: Dan Esquibel, Senior Planner

---

The subject property is not accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval: Must be completed by:

1. None	
---------	--

Technical Corrections\*: Must be completed by:

1. None	
---------	--

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

# Development Review Team

## Comment Form

Date: October 4, 2016  
Staff person: Reynaldo Gonzales  
Dept/Div: Fire  
Case: 2016-106 B&L Land Lot Split and Variance  
Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 None	
--------	--

Technical Corrections\*:

Must be completed by:

- |  |  |
|--|--|
| <ol style="list-style-type: none"><li>1. All Fire Department access shall be no greater than a 10% grade throughout or provide an automatic sprinkler system for a variance.</li><li>2. Fire Department Access shall not be less than 20 feet width to any new/remodel construction or provide an automatic sprinkler system for a variance.</li><li>3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided or provide an automatic sprinkler system for a variance.</li><li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction or provide an automatic sprinkler system for a variance.</li><li>5. Shall have water supply that meets fire flow requirements as per IFC to get an automatic sprinkler system variance for 1,2,3, and 4.</li></ol> | <p><b>Prior to any remodel construction the current code adopted by the governing body may need to be met.</b></p> |
|--|--|

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

**Explanation of Conditions or Corrections (if needed):**

**ESQUIBEL, DANIEL A.**

---

**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, September 27, 2016 12:29 PM  
**To:** ESQUIBEL, DANIEL A.  
**Cc:** ROMERO, JOHN J  
**Subject:** B&L Land Lot Split

Dan,

Re: Case 16-109, B & L Land LS & Variance. We have no comments on this application.

Conditions of Approval:

Must be completed by:

1	NONE	N/A
2		
3		
4		

Technical Corrections:

Must be completed by:

1	NONE	N/A
2		
3		
4		

Sandy Kassens

*Sandra Kassens*  
Engineer Assistant  
Engineering Division  
Public Works Department  
*City of Santa Fe*  
505-955-6697

## Development Review Team Comment Form

Date: October 11, 2016  
 From: Risana "RB" Zaxus, City Engineer  
 Dept/Div: Land Use, Technical Review Division  
 Case: Case # 2016-109, B & L Land Lot Split and Variance  
 Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1 none	
2	
3	
4	

Technical Corrections*:	Must be completed by:
1 none	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Meet all applicable terrain management requirements at time of building permit.

Explanation of Conditions or Corrections (if needed):

**ESQUIBEL, DANIEL A.**

---

**From:** AHMED, SOAMIYA A.  
**Sent:** Monday, September 26, 2016 1:22 PM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** 2016-109

Hi Dan,

Landscaping does not apply to lot splits. And the new lot does not fall in the escarpment.

I have no comments for this case.

Best,

**Somie A. Ahmed**  
Planner Technician Sr.  
Technical Review Division  
City of Santa Fe  
T. 505.955.6947  
F. 505.955.6829  
[saahmed@santafenm.gov](mailto:saahmed@santafenm.gov)

May 5, 2016  
Planning Commission  
Case # 2016-109  
**B & L Land Lot Split and Variance**

# **EXHIBIT B**

Early neighborhood Notification



Submit by Email

Print Form

## Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

*Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 1987, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about each criterion, consult the Land Development Code.*

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)*

The neighborhood located along Brownell Howland Road is zoned R-1 (Residential, one dwelling unit per acre). It has a rural feel and is comprised of generous lots, generally improved with Pueblo-style homes. The proposed lot split and variance will divide the ±3.895-acre subject parcel into a 2.55-acre lot and a 1.34-acre lot, both accessed from Brownell Howland via a shared driveway. The larger lot will not be visible from Brownell Howland and thus any future development will have no effect on the character and appearance of the neighborhood. The lot that fronts Brownell Howland Road is already developed with an existing residence.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

No new development is proposed with this application. When development occurs, the project will comply with all applicable City codes with regard to environmental protection. At such time as the driveway is constructed, a tree inventory will be performed and significant trees will be preserved or replaced.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The project is located in the Suburban Archaeological District. An archaeological survey is not required, as the property comprises less than 10 acres.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The subject property is zoned R-1 and has a Future Land Use designation of Mountain Corridor. The lot split and variance are in accordance with existing density patterns and land use in the surrounding area. The increase in density by adding one lot, which could potentially be developed with one residence, is negligible.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

As mentioned above, the new lot will share access from Brownell Howland Road with the existing residence at 145 Brownell Howland. A new driveway will be constructed to serve the second lot, which is located north of the existing lot. Because the road is designated a Subcollector (accessing more than 30 lots), the Code calls for improvements such as sidewalks, curb and gutter, that are not feasible or appropriate for the semi-rural neighborhood. In addition, Brownell Howland is a 20' access easement, where a 42' right of way would be required. Thus, a variance is being requested from Santa Fe City Code Table 14-9.2, "Design Criteria for Street Types." The City of Santa Fe Fire Marshal and the City Traffic Engineer have visited the site and are in agreement that Brownell Howland Road is adequate to serve the proposed new lot in addition to the 39 existing lots.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The proposed lot split and variance will not have a significant impact on the economic base of Santa Fe. If the lot is developed, the project will provide jobs for Santa Fe residents and a home for citizens who will contribute to the City's gross receipts tax base.

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS**  
*For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)*

N/A

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES**  
*For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The lot will be served by City water via a new public waterline that is currently under construction in Brownell Howland Road. A new septic system will be installed at the time that the property is developed. Dry utilities will connect to existing utility service in Brownell Howland Road. The variance will not affect public services, as all properties on the road are currently served by City fire and police protection.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

As stated above, the new lot will connect to the new City water main in Brownell Howland. At the time of development, the project will comply with City water conservation requirements.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

N/A

(k) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment and residential centers.*

The project complies with the City's General Plan by promoting a compact urban form through appropriate infill development.

ADDITIONAL COMMENTS (Optional)



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Lot Split of 3.895+/- acres and a variance
<i>Project Location</i>	145 Brownell Holland Road
<i>Project Description</i>	Division of 3.895 acres and variance from street types
<i>Applicant / Owner</i>	B & L Land, LLC
<i>Agent</i>	Jenkins Gavin
<i>Pre-App Meeting Date</i>	August 4, 2016
<i>ENN Meeting Date</i>	September 7, 2016
<i>ENN Meeting Location</i>	Santa Fe Community Convention Center
<i>Application Type</i>	Division of land and Variance
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	9

### **Notes/Comments:**

The concerns raised were:

- Erosion along Brownell Holland Road,
- The existing pond water use, and
- Use of Old Bishops Lodge Road.

Planning Commission  
Land Use Department  
City of Santa Fe  
P.O. Box 909  
Santa Fe, NM 87504  
via: Dan Esquabil - Case Planner

30 Sept 2016  
Re: Lot Split and  
Variance Request  
145  
BrownellHowland  
Case # 2016-109

Members of the Planning Commission and Mr. Esquabil:

This is a request from neighbors that conditions be attached to the variance and lot split the Egolfs are proposing for 145 Brownell Holland.

1. That the action resolution state that no access for Tract 2, Lot 4 nor for tract 2, Lot 3A shall be from the unpaved drive shown on the applicants site plan as "Old Bishops Lodge Road". This is a commitment of the Egolf's statement at the ENN meeting that a new driveway will be created along the western edge of Lot 3A to serve lot 4.
2. That the recently graded attempt to create a service drive to the pond be closed and permanently abandoned, the grade returned to natural vegetation, and erosion stopped by mitigation measures. At the ENN meeting, it was requested that the Egolfs instruct their civil engineer and surveyor to do this, consistent with the purpose of ENN review early, prior to development of site plan.

Thank you for your attention to the concerns of the neighbors of this sensitive and difficult terrain site.

(neighbors names and sigs)

Page R. Allen



Nathaniel Owings



Blair Baxter



Lore Thorpe



*Attached are photographs of the erosion on the Egolf service access, as it abuts Old Bishops Lodge private road and of the blocked culvert*

*cc: signatorie*

Case # 01-101-101  
Brownfield  
118  
Vehicle Street  
P.O. Box 508  
City of Seattle  
98101-0508

City of Seattle  
1100 5th Avenue  
Seattle, WA 98101  
Planning Commission  
Land Use Department

Members of the Planning Commission and the public:

This is a technical report regarding the proposed changes to the zoning code for the  
area located at the intersection of the following streets:

1. That the zoning commission staff has reviewed the proposed changes to the zoning code for the  
area located at the intersection of the following streets and has determined that the  
proposed changes are consistent with the intent of the zoning code and that the  
proposed changes will be created along the western side of the street for a

2. That the zoning commission staff has reviewed the proposed changes to the zoning code for the  
area located at the intersection of the following streets and has determined that the  
proposed changes are consistent with the intent of the zoning code and that the  
proposed changes will be created along the western side of the street for a

Thank you for your attention to the concerns of the neighborhood and  
the surrounding area.

(neighborhood name and street)

Page 11 of 11  
Municipal Council  
City of Seattle  
1000 4th Avenue  
Seattle, WA 98101

At the time of the hearing of the application for the proposed changes to the zoning code, the  
applicant was not present and no other person was present.

City of Seattle



erosion on service drive of 145 Bronnell Howland  
and at Old Bishop's Lodge Road

Lot Split and Variance Request  
Case # 2016-109  
145 Bronnell Howland

May 5, 2016  
Planning Commission  
Case # 2016-109  
**B & L Land Lot Split and Variance**

# **EXHIBIT C**

Maps and Photos

**EXHIBIT C-1**

**Table 14-9.2-1: Design Criteria for Street Types**

(Ord. No. 2013-16 § 59)

**TABLE 14-9.2-1: Design Criteria for Street Types**  
 See also Chapter 12 Fire Prevention and Protection — International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	52	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 1	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

**Notes:**

NA - Not Applicable

NR - Not Required

1. Refer to Subsection 14-9.2(C)(8) for additional standards for lanes and lot access driveways. Lot access driveway standard applicable to access from street to not more than eight single family lots.

2. Includes Median/Turn Lane

3. Parking required on both sides of street, except no parking on that side of a street adjoining the plaza.

4. Parking may be on one side or both sides of the street; parking lane should not be continuous. ( )

All measurements in feet, unless otherwise noted.

**EXHIBIT C-2: Subsection 14-9.2(D)**

**(D) Access and Traffic Calming**

- (1) Where a *development* abuts or contains an existing or proposed arterial *street*, a *land use board* may require marginal access for collector or local *streets*, reverse frontage with *screen* planting or *walls* contained in a non-access reservation along the rear *property* line, *lots* with rear service alleys or such other treatment as may be necessary for adequate protection of *residential properties* and to afford separation of through and local traffic.
- (2) Where a *development* borders on or contains a railroad *right-of-way* or limited access highway *right-of-way*, a *land use board* may require a *street* approximately parallel to and on each side or on either side of such *right-of-way*, at a distance suitable for the appropriate use of the intervening land for park or recreational purposes when such purposes are appropriate in the relevant area. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.
- (3) At least one through *street* that traverses the entire developed area shall be provided for each one thousand (1,000) feet of developed area. (Ord. No. 2012-11 § 26)
- (4) At least two connections to the existing road network points shall be provided for every ten acres of *development*. (Ord. No. 2012-11 § 26)
- (5) Where a trail network exists or is planned, access to the trail network must be provided every five hundred (500) feet, where feasible. (Ord. No. 2012-11 § 26)
- (6) Reserve strips controlling access to *streets* are prohibited unless the *city* controls the reserve strip under conditions approved by the planning commission.
- (7) Traffic calming measures are allowed in new *developments* and specific measures may be required by the planning commission to ensure traffic safety in new neighborhoods.
- (8) Cul-de-sacs and other dead-end *streets*, both public and private, may be constructed only if topography, *lot* configuration, previous *development* patterns or other natural or built features prevent continuation of the *street*.

# ZONING MAP

County

City

LODGE  
TRL

R1

SITE

BROWNELL  
HOWLAND RD

R1

BROWNELL HOWLAND RD

BROWNELL  
HOWLAND RD

BROWNELL  
HOWLAND RD

BROWNELL  
HOWLAND RD

CALLE CONEJO

SIERRA  
DEL NORTE

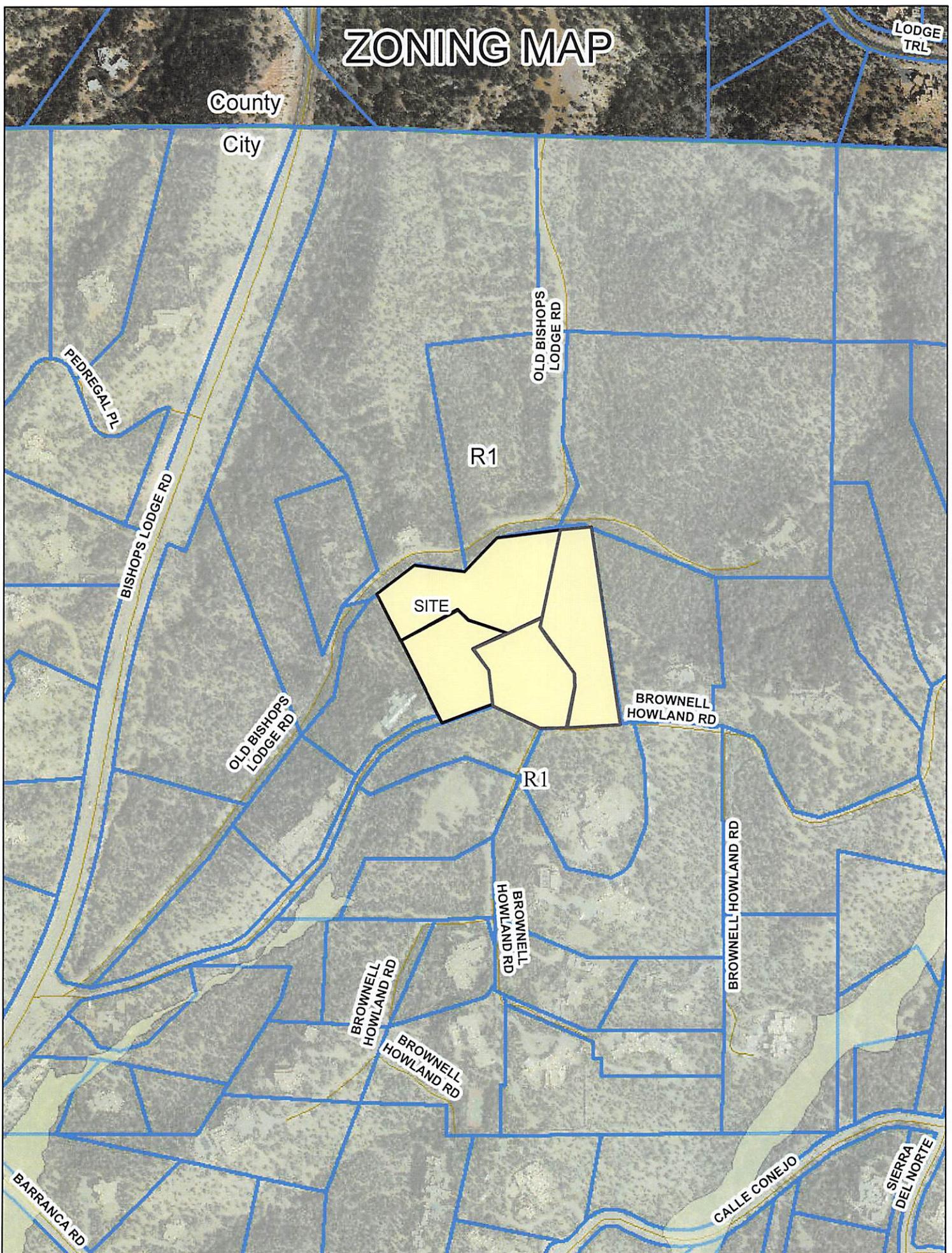
PEDREGAL PL

BISHOPS LODGE RD

OLD BISHOPS  
LODGE RD

OLD BISHOPS  
LODGE RD

BARRANCA RD



# ESCARPMENT MAP

County  
City

OLD BISHOPS  
LODGE RD

R1

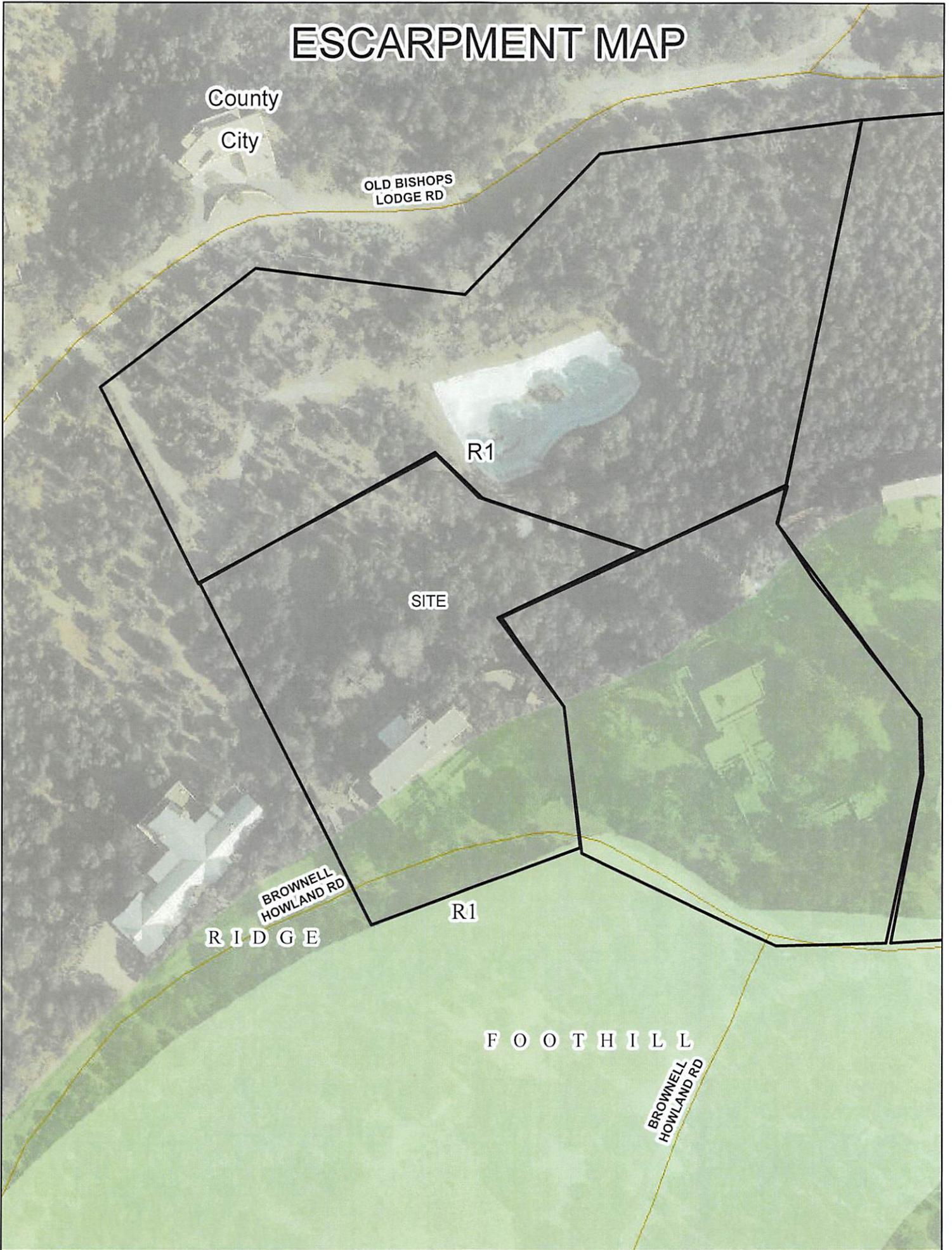
SITE

BROWNELL  
HOWLAND RD  
RIDGE

R1

FOOTHILL

BROWNELL  
HOWLAND RD



May 5, 2016  
Planning Commission  
Case # 2016-109  
**B & L Land Lot Split and Variance**

# **EXHIBIT D**

Applicant Submittals



**JENKINSGAVIN**  
LAND USE | PROJECT MANAGEMENT

September 19, 2016

Greg Smith, Division Director  
Current Planning Department  
City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, NM 87501

**RE: 145 Brownell Howland Road  
Subdivision and Variance Application**

Dear Greg:

This letter is submitted on behalf of Louise Egolf in application for a Preliminary Subdivision Plat and Variance for consideration by the Planning Commission at their meeting on November 3, 2016. The ±3.89-acre subject property is located at 145 Brownell Howland Road and is zoned R-1. The southernmost portion of the lot is located within the Ridgetop Sub-district of the Escarpment Overlay.

The proposed subdivision ("the Project") will create two lots: Tract 2, Lot 3-A, comprising ±1.34 acres, and Tract 2, Lot 4, comprising ±2.55 acres. Lot 3-A is improved with a single family residence; Lot 4 is vacant. Both lots are situated within the Mountainous and Difficult Terrain Overlay. Per the Overlay standards, as more than 25% of each parcel has a natural slope greater than 20%, they are limited to 75% of the allowable density. The calculation for Lot 3 is as follows: 1.34 acres x 0.75 = 1.005, or one dwelling unit.

The new Lot 4 will share access from Brownell Howland Road with the existing residence at 145 Brownell Howland. A new driveway will be constructed to serve the second lot, which is located north of the existing lot. Lot 3-A is served by City water via a new public waterline in Brownell Howland Road. Lot 4-A will also be served by City water and will be metered separately. A new septic system will be installed at the time that the property is developed. Dry utilities will connect to existing utility service in Brownell Howland Road.

Subdivision Approval Criteria

(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

**Tract 2, Lot 3A is already improved with an existing residence and no new construction is proposed with this application. The new Tract 2, Lot 4 is generously sized at 2.55-acres; the buildable area, as identified on the plans, is relatively small compared to the size of the lot. Therefore, there will be significant preservation of land area and existing vegetation. Future construction of a residence on the lot will have no negative impact the attractiveness or value of the area. No known historical sites or structures exist.**

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not

suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

**As stated above, Tract 2, Lot 3A is already improved with an existing residence. The creation of Tract 2, Lot 4 is in compliance with the property's R-1 zoning and has 28,715 square feet of buildable area. No construction is proposed with this application. At the time of future construction, the project must comply with all applicable regulations.**

- (3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

**The plat complies with the standards of Chapter 14, Article 9, with the exception of the off-site roadway standards. Therefore, a variance to roadway standards for Brownell Howland Road is being requested with this application.**

- (4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

**The plat does not create a nonconformity nor increase any existing nonconformity.**

- (5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

**See the answer to (4) above.**

#### Variance Criteria

Brownell Howland Road is a semi-rural road within a 20-foot easement. The road currently serves 39 lots, placing it in the Subcollector category. However, improving the road to Subcollector standards would be infeasible and inappropriate for the character of the neighborhood. Therefore, a Variance is requested from Santa Fe City Code Table 14-9.2, "Design Criteria for Street Types." Outlined below are our responses to the Variance criteria contained in SFCC §14-3.16(C).

- (1) One or more of the following special circumstances applies:
- (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

**Brownell Howland Road is distinguished by unusual physical characteristics, which include the 20-foot easement width and the steep terrain that borders the roadway, both of which preclude further widening of the road. Furthermore, the Brownell Howland 20-foot road easement was dedicated in 1930, decades before adoption of the regulation from which the variance is sought.**

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

N/A

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

**Brownell Howland Road lies wholly within the Escarpment Overlay District, with some segments in the Ridgetop Sub-district and some within the Foothills Sub-district. The Purpose and Intent of the Escarpment Overlay District in SFCC §14-5.6(A)(1)(e) seeks to, “*Preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community and to maintain and encourage the sense of the city as a small community.*” SFCC Table 14-9.2-1 classifies Brownell Howland as a Subcollector requiring a minimum right-of-way width of 42 feet, two 9-foot drive lanes, curb and gutter, and 5-foot sidewalks with 5-foot planting strips on both sides of the road. This is an urban/suburban road standard that is inappropriate for this low density (R-1), semi-rural mountainous neighborhood. This level of roadway construction would unnecessarily disturb the fragile terrain, create a significant visual scar, and destroy existing mature vegetation. Furthermore, the adjacent 30% slopes would be disturbed during construction, requiring a variance approval from the Commission.**

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

N/A

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

**The special circumstances that make it infeasible to reconstruct Brownell Howland as a subcollector include the existing 20-foot easement width, the steepness of the adjacent terrain, and the necessity for a variance to disturb 30% slopes. Furthermore, as described in item (1)(c) above, a road of this nature is contrary to the intent of the Escarpment Overlay District and inappropriate for the Brownell Howland neighborhood.**

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

**The proposed lot split will create one 1.34-acre lot and one 2.55-acre lot, which is compliant with the area’s R-1 zoning and consistent with the range of lot sizes in the neighborhood.**

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

**The property has not been used for a different category of use and we do not propose a different category of use. A different category of use would likely require the same roadway standards and, hence, the same variance request. In accordance with the property's R-1 zoning, the permissible intensity of use is one dwelling per acre of land. The new 2.55-acre Lot 4 being created via the subdivision is significantly in excess of this minimum lot size and is a reasonable use of the land. Therefore, the requested variance is the minimum variance that will make this reasonable use possible.**

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

**The granting of this variance request is consistent with the purpose and intent of Chapter 14 by providing for development that is harmonious with the surrounding area and also protects the general welfare by preventing a significant visual scar in the Escarpment Overlay. Furthermore, General Plan Theme 1.7.8 – Character, seeks to, “*Maintain and respect Santa Fe’s unique personality, sense of place and character*”. This variance will honor and protect the unique character of this mountain neighborhood. Furthermore, this theme calls for “*stronger urban/rural edges*” and the required subcollector road standard would be contrary to this objective.**

(5) The variance is not contrary to the public interest.

**This variance will protect the public interest by preserving the character of an existing, semi-rural neighborhood and protecting the visual assets of this escarpment area.**

#### Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on September 7, 2016. Five neighbors were in attendance. The following topics were discussed:

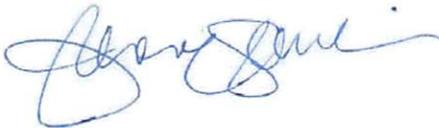
- **Access.** Neighbors asked about the former access off of Old Bishop’s Lodge Road and if it were going to be used or abandoned. It was explained that access could not be obtained off of Old Bishop’s Lodge Road due to an extant court order mandating which lots could use the road for access. The new lot will be accessed from Brownell Howland Road. The current state of Brownell Howland Road was discussed.
- **Drainage.** Neighbors on Old Bishop’s Lodge Road expressed concern regarding drainage along the old pond access driveway. The applicant explained that drainage would be addressed at the time of building permit and would be required to meet City Code standards.
- **Fire.** Questions were raised about emergency access and fire response. The applicant stated that she had met with the Fire Marshal, who was satisfied with access from Brownell Howland via the proposed 16-foot wide driveway, and that automatic fire suppression will be required for any new construction.
- **Application Process.** Dan Esquibel explained the application process, subsequent review, and Planning Commission hearing.

In support of this request, the following documentation is submitted herewith for your review:

- Fees in the amount of \$930.00: \$500.00 Variance fee; \$400.00 Subdivision Plat fee; \$30.00 Public Notice Poster
- Variance and Subdivision Applications
- Lot Split Plat and Driveway Plan (6 full size +PDF)
- Letter of Owner Authorization
- Warranty Deed & Lot of Record Plat

Your assistance with this request is greatly appreciated. Please do not hesitate to contact me should you have any questions or require additional information. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Jenkins".

Jennifer Jenkins  
**JENKINS GAVIN, INC.**